

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANDREW GROSS, III, #28240-039,

Plaintiff,

v.

CASE NO. 06-CV-12820  
HONORABLE PATRICK J. DUGGAN

MARK BEZY, et al.,

Defendants.

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**ORDER DENYING MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District of Michigan  
on September 13, 2006

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Plaintiff Andrew Gross III's "Motion for Leave to Proceed In Forma Pauperis" in this civil rights action. The Court, however, previously granted Plaintiff's application to proceed without prepayment of costs and fees, and has since dismissed his civil rights complaint. The instant motion has thus been rendered moot and must be denied.

Additionally, to the extent that Plaintiff seeks to relieve himself from payment of the \$350.00 filing fee for this action due to his financial status, his motion must also be denied. Under the Prison Litigation Reform Act ("PLRA"), a prisoner who qualifies to proceed *in forma pauperis* in a civil rights action is still liable for the civil action filing fee and must pay the fee

through partial payments as outlined in 28 U.S.C. § 1915(b). The PLRA does not allow any exemptions to the requirement that an indigent prisoner pay the filing fee over time. *See White v. Paskiewicz*, 89 Fed. Appx. 582, 584 (6<sup>th</sup> Cir. 2004) (citing *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1133-34 (6<sup>th</sup> Cir.1997) and *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6<sup>th</sup> Cir. 1997)). Plaintiff is thus liable for the full filing fee, to be paid in installments, pursuant to the Order to Proceed Without Prepayment of Costs and Fees.

Accordingly, for the reasons stated above, Plaintiff's motion is **DENIED**.

**IT IS SO ORDERED.**

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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